

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ROCHELLE HAMILTON,

Case No.: 2:21-cv-01909-APG-EJY

Plaintiff

Order Granting Defendant's Motion for Partial Summary Judgment

V.

99 CENTS ONLY STORES LLC,

Defendant

[ECF Nos. 18, 19]

8 Plaintiff Rochelle Hamilton sues defendant 99 Cents Only Stores LLC for injuries she
9 sustained after allegedly slipping and falling in a 99 Cents Only store. In her amended
10 complaint, she asserts claims for negligence and premises liability. ECF No. 17. 99 Cents Only
11 moves for partial summary judgment on the premises liability claim, arguing that premises
12 liability is not a separate cause of action and instead is a means of proving that 99 Cents Only
13 was negligent. ECF Nos. 18, 19. Hamilton did not respond.

I grant 99 Cents Only's motion because premises liability is a theory of negligence and not a separate cause of action. *See FGA, Inc. v. Giglio*, 278 P.3d 490, 494, 496 (Nev. 2012) (describing premises liability as an alternative theory of negligence and noting that although the plaintiff "alleged alternative factual theories of negligent conduct, she raised only one theory of recovery—negligence"). However, the amended complaint's allegations regarding why 99 Cents Only may be liable under a premises liability theory remain part of Hamilton's negligence claim.

I THEREFORE ORDER that defendant 99 Cents Only Stores LLC's motion for partial summary judgment (ECF Nos. 18, 19) is GRANTED.

DATED this 2nd day of December, 2022.

ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE